

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

GERALD H. LOWERY, SR.

PLAINTIFF

v.

Civil No. 4:18-cv-04108

WARDEN JEFFIE WALKER, Miller County
Detention Center (MCDC); NURSE
S. KING, Head Nurse MCDC; NURSE
CHELSEA FOSTER, MCDC; NURSE
LONNIE REDFEARN, MCDC; DR.
TIMOTHY REYNOLDS, MCDC;
SHERIFF JACKIE RUNION; SOUTHERN
HEALTH PARTNERS, INC.; and
MILLER COUNTY

DEFENDANTS

ORDER

Currently before the Court is Plaintiff's Motion to Submit Exhibits. (ECF No. 51). Defendants have not filed a response.

In his motion Plaintiff seeks to submit the following exhibits presumably in support of his Response to Defendants' motions for summary judgment: "1. List for affidavits, depositions, & witnesses 2. Separate Defendants Responses to Request for Production 4 pages 3. Special Medical Diet Order". (ECF No. 51, p. 1). Plaintiff has attached a copy of Separate Defendants' Responses to Request for Production and the Special Medical Diet Order form from Southern Health Partners. *Id.* at pp. 2-6. Plaintiff has also attached a handwritten page entitled "Motion to Contact Witnesses". *Id.* at p. 7. This page lists two physicians and ten "Inmates/Former Inmates" "to be summoned for affidavits, depositions or court testimony." *Id.*

The Court will not contact or issue subpoenas for witnesses for Plaintiff at this stage of the litigation. If Plaintiff's claims survive Defendants' motions for summary judgment, Plaintiff will be given the opportunity to submit a witness list for trial to be reviewed by the Court.

Accordingly, Plaintiff's Motion to Submit Exhibits (ECF No. 51) will be **GRANTED in part and DENIED in part**. Plaintiff's motion is **GRANTED** as to his request to submit Separate Defendants Responses to Request for Production and the Special Medical Diet Order Form as exhibits. Plaintiff's motion to contact witnesses and submit the list as an exhibit is **DENIED**.

IT IS SO ORDERED this 6th day of August 2019.

/s/ *Barry A. Bryant*

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE